

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

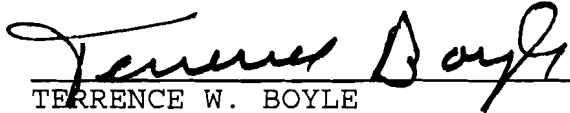
No. 7:09-CV-159-BO

MARGARET GAYLE HERRING)	
WARREN,)	
Plaintiff,)	
)	
v.)	<u>O R D E R</u>
)	
SESSOMS & ROGERS, P.A., and)	
LEE C. ROGERS,)	
Defendants.)	

This matter is before the undersigned on defendants' motion to dismiss, motion to dismiss the amended complaint, motion for sanctions, as well as plaintiff's motion to strike. The defendants' motion to dismiss the complaint and the amended complaint is allowed.

This action arose out of a debt that plaintiff's husband incurred to Branch Banking and Trust Company as a result of credit card use. After the death of the plaintiff's husband, she continued to make payments on the credit card debt and later entered into bankruptcy. The bank retained the defendant law firm to represent it in this collection matter. Plaintiff claims violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §§ 1692 et seq. The allegations do not show a material violation of this Act, nor that the defendants knowingly and willfully violated the Act. Based on the court's review of the pleadings, the defendants' motion to dismiss is allowed. All of the other motions are moot and therefore denied.

This 26 day of August, 2010.



TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE